

REMARKS

Reconsideration of the application is respectfully requested.

I. Status of the Claims

Claims 1, 5-8, 10, and 14-27 are pending.

Claims 2, 4, 11 and 13 were previously cancelled.

Claims 3, 9, and 12 are being cancelled without prejudice or disclaimer.

Claims 1, 5-7, 10, 14-16, and 18 are amended. No new matter is added.

Claims 24-27 are new. No new matter is added.

II. Claim Objections

The word "said" is cancelled in claim 15 as suggested by the Examiner.

III. Rejections under 35 U.S.C. § 102

The rejection of claims 1, 5-8, 10, and 14-18 under 35 U.S.C. § 102(e) as being anticipated by Asdale (U.S. Patent Application Publication No. 2004/0023714) is traversed. (Claims 3, 9 and 12 rejected by the Examiner in the last Office Action have been cancelled rendering the rejection moot).

Applicants disclose a gaming machine having a plurality of columns of symbols located behind a window. Each column has a plurality of symbols which are displayed through the window in a changing manner in the column direction and in a static or fixed manner. In practice, there are five columns of symbols and the window is sized to display five rows of symbols of each of the five

Asdale shows a gaming device capable of displaying symbols organized in symbol “stacks,” in which hidden symbols are stacked beneath a displayed symbol (see, e.g., abstract of Asdale). A triggering event (i.e., for removing a currently displayed symbol to display a hidden symbol) may be automatically initiated (for example, in a timed sequence at the conclusion of a game), or may be triggered separately with the appearance of a predetermined symbol or some other random event (see, e.g., paragraphs [0012], [0013] of Asdale). In Asdale, the total number of symbols displayed does not change, only the type of symbol shown is changed. One symbol is merely replaced with another symbol. The total number of symbols shown never changes. In Asdale, Fig. 3A is a perspective drawing merely showing the symbols that are hidden underneath. Asdale only discloses

that the type of symbol displayed is changed, he does not disclose or even suggest increasing and decreasing the total number of symbols displayed.

Amended claim 1 now recited,

“A game machine comprising:
a plurality of columns where each column has multiple types of symbols which are displayed through a window in a changing manner in the column direction and in a fixed manner... “;
in combination with
“...a display control module for simultaneously increasing and decreasing the number of symbols on each column in a common row being displayed through the window if the predetermined condition is met” (underscoring added for emphasis).

Clearly, Asdale neither discloses nor suggests the structure now positively recited in claim 1, that being that all of the symbols in a common row are simultaneously shown or blocked from being displayed. Therefore, it is our understanding that claim 1 avoids the Asdale reference and is in condition for allowance. Claims 5-8 depend from claim 1 and, therefore, are also in condition for allowance. For the reasons noted above, claim 10 clearly avoids the Asdale reference by reciting,

“A gaming method comprising the steps of:
displaying a plurality of columns where each column has multiple types of symbols which are displayed through a window in a changing manner in the column direction and in a fixed manner...”
in combination with the step of
“...changing the number of symbols on each column in a common row being displayed in said window simultaneously if the predetermined condition is met” (underscoring added for emphases).

Therefore, it is our understanding that claim 10 avoids the Asdale reference and is in condition for allowance. Claims 14-18 depend from claim 10 and, therefore, are also in condition for allowance.

IV. Rejections under 35 U.S.C. § 103

The rejection of claims 19-21 under 35 U.S.C. § 103(a) as being unpatentable over Asdale, as applied to claims 1, 5-8, 10, and 14-18 where applicable, in view of Baerlocher (U.S. Patent Application Publication No. 2003/0060266) is traversed.

Claims 19-21 depend from claim 10 which, as noted above, clearly avoid the Asdale reference. Further, Baerlocher does not cure the deficiencies of Asdale either alone or in combination. Therefore, claims 19-21 are also believed to be in condition for allowance.

The rejection of claims 22 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Asdale and Baerlocher, as applied to claims 19-21, where applicable, further in view of Official Notice is traversed. Claims 22 and 23 depend from claim 10 which, as noted above, clearly avoid the Asdale and Baerlocher references and, therefore, are also believed to be in condition for allowance.

V. New Claims

New claims 24-27 depend from claim 10 and, therefore, for the reasons noted above are considered to be in condition for allowance.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below once he has reviewed the proposed amendment if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

Dated: March 19, 2008

Respectfully submitted,

By 

Louis J. Del Giudice

Registration No.: 47,522

DARBY & DARBY P.C.

P.O. Box 770

Church Street Station

New York, New York 10008-0770

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant